

## **EXHIBIT 12**

1

2 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 THE AUTHORS GUILD, INC., et al.,

5 PLAINTIFFS,

6 -against-

7 Case No:  
8 GOOGLE INC.,

9 DEFENDANT.

10 -----X

11 DATE: December 15, 2011

12 TIME: 1:00 P.M.

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15 DEPOSITION of a Witness, JIM BOUTON, on  
16 behalf of the Plaintiffs, taken by the Defendants,  
17 pursuant to a Notice and to the Federal Rules of Civil  
18 Procedure, held at the offices of MILBERG, LLP, One  
19 Pennsylvania Plaza, New York, New York 10119, before  
20 Deborah Garzaniti, a Notary Public of the State of New  
21 York.

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1                   Do you think that you have suffered any  
2 economic harm from the display of any quotes from your  
3 books in Google Books?

4                   A. I don't know.

5                   Q. Do you know whether any other members of  
6 the class have suffered any economic harm as a result of  
7 the display of quotes from their books in Goggle Books?

8                   A. I don't know if they have or not.

9                   Q. Let me just caution you. We are speaking  
10 over each other a little bit, which is a normal thing to  
11 do in every day conversation. It makes it hard for the  
12 Court Reporter because she is trying to take it down.  
13 Even though you may know what I am going to say and what  
14 my question is, it will help her out a lot if you wait  
15 for me to finish speaking before you give your answer.

16                  A. Got it.

17                  Q. Very good.

18                  Do you have an understanding that some  
19 members of the class are academics who are also authors?

20                  A. I assume some of them are.

21                  Q. Do you have a view as to whether the  
22 ability to use Google Books to conduct searches is a  
23 benefit to those academic authors?

24                  MR. BONI: Object to the form. Can we get a  
25 working definition of academics and then can we get some